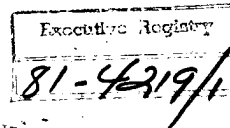


DCI

The Director of Central Intelligence

Washington, D.C. 20505



13 May 1981

The Honorable William French Smith
Attorney General
Department of Justice
Washington, D.C. 20530

Dear Bill:

You should know about a situation of which I have been apprised by our mutual friend Leo Cherne. As you know, Leo is Chairman of the International Rescue Committee. Apparently the Immigration and Naturalization Service has been turning back refugees who are deemed to have left their country in order to better themselves economically rather than to escape political oppression. This is too fine a line and, when applied to turning refugees back to Afghanistan and Cambodia, it becomes quite outrageous. The church groups have become aware of this policy and we will be hearing future protest from them. This is something that should be looked into before public clamor develops.

I enclose a letter from the Executive Director of the International Rescue Committee which describes the situation in more detail.

Yours,

William J. Casey

Enclosure

cc: The Honorable Richard V. Allen

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INTERNATIONAL RESCUE COMMITTEE, INC.

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81-4219

April 24, 1981

Mr. William Casey

STAT

Dear Bill:

There have recently been worrisome developments in the refugee field which I feel I have to bring to your attention.

There has been an unfortunate change in the way the Immigration and Naturalization Service representatives have been screening refugees who apply to come here. Laws and regulations have all along limited eligibility to persons outside their home countries who suffered persecution there or to people who are unable to return to their home countries because of well founded fear. There were always some who were disqualified as not meeting these criteria, but when Afghans and Ethiopians began to be turned down because they had no reason to fear persecution if returned to Afghanistan or Ethiopia, we realized that something new was in the making.

The full impact of what appeared at first as a change in emphasis rather than in policy became manifest when substantial numbers of boat people in Malaysia, Thailand, and Hong Kong, as well as Cambodian and Laotian refugees in Thailand were denied admission--something that may have far-reaching humanitarian and political consequences.

It started with the new INS District Director in Hong Kong. When it became apparent that influential people in Washington were eager to back him up, the matter was addressed in a communication from the State Department to Justice. And though we were told that it would eventually be decided by the Interagency Task Force on Immigration and Refugee Policy, we know it has not received the high-level attention it deserves.

What may well be at stake is the credibility of our resolve to stand by the victims of the communist take-over of Indochina, and of our readiness to assist the Southeast Asian countries of first asylum in their efforts to cope with their refugee problem in a responsible and humane manner.

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OVERSEAS

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If indeed Vietnamese boat-people can be presumed to have made their long and dangerous journey through pirate-infested waters only in order to better themselves economically, if indeed it can be assumed that men will risk the lives of their children and expose their wives to the high risk of mass rape only to eventually make a better living, one wonders why the civilized world responded to their plight with such anguish a year ago. Nothing has changed since then. Only the numbers have gone down. Fewer refugees manage to escape from Vietnam, and fewer may be getting through to the shores of Malaysia and Thailand.

No less perplexing is the fact that growing numbers of Cambodians are now being turned down--technically they are being deferred until the issue is resolved in Washington--as just being economic migrants. As if people who came out of the burning hell that was Pol Pot's Cambodia had no other complaints than the lack of a good job. Survivors of genocidal regimes, whether Jews or Cambodians, deserve better than being told to go home again because the new rulers are less genocidal than the old ones. These are refugees who lost all their next-of-kin and have nothing to go back to but their nightmares.

Economic and political factors are closely intertwined in totalitarian countries. Where the State is the main employer, as well as the wielder of absolute power, forcible collectivizations, new economic zones, forced labor camps, and the rest are all part and parcel of a system that creates such unbearable conditions that even people who have no clear perception of the root cause of their suffering flee at great risk to their lives. To impugn their motives as being "purely economic" and therefore not worthy of our solicitude bespeaks a great lack of sophistication and political judgment. But the matter becomes downright bizarre if young men who escaped because they did not want to serve in the Vietnamese or Laotian army are now denied acceptance as refugees, as if the refusal to serve in a communist army were something reprehensible.

If we continue to deny admission to such young people, does this not imply that we somehow believe it is the duty of all young Vietnamese and Laotians to be soldiers and do their part in the military occupation of Cambodia. And does it not make us, indirectly, enforcers of Vietnam's conscription policy?

It must be kept in mind that the INS deferrals contain not only a finding that the applicants in point did not suffer persecution before they fled, but also the corollary finding that they have no well founded fear of persecution if returned to Vietnam, Cambodia, or Laos. Escape, it is held, will go unpunished, and the young men who preferred escape to service in the armed forces will go unharmed. If this egregious position --in the face of strong State Department representations to the contrary--should be permitted to prevail, are we not giving a clean bill of health to Hanoi and the two surrogate governments it controls?

It goes without saying that the ASEAN countries are closely watching what we are doing. Thailand has deported refugees before, and Malaysia did

not hesitate to push boat-people back out to sea when it felt that it might not be relieved of their burden. If we affirm the present policy and rule the refugees now deferred are inadmissible, the Thais and Malaysians are bound to interpret this as a signal that the closing of their borders, refoulement, and mass repatriations of refugees now in their countries would not be faulted by us. No country is likely to accept our rejects, and if the refugees are not refugees, why should Thailand and Malaysia offer them hospitality?

Thus, reluctantly, one reaches the conclusion that Vietnam will be the only beneficiary of the misguided policy we are in the process of adopting. And with Vietnam, the Soviet Union.

It seems important that those who will ultimately have to decide whether to back Justice or State have a clear understanding of what is involved. I hope you will find merit in the chain of thought I briefly sketched in this letter. If you have any questions you may want to call Leo or me.

Sincerely yours,



Charles Sternberg

CS:hk